

### REMARKS

This preliminary amendment accompanied a request for continued examination (RCE).  
Claims 5, 7-18, 21-27 and 29 are pending for further examination.

In the previous final Office action, the claims were rejected for allegedly including subject matter that was not disclosed in the application as originally filed. In particular, the Examiner objected to the language of claim 5 reciting “*implanting* an impurity of a first conductive type *in first and second drain formation regions* of a semiconductor substrate of a second conductive type, wherein the implantation is a single implantation.”

Claim 5 has been amended to recite “implanting an impurity of a first conductive type through a substrate surface located above first and second drain formation regions.” The subject matter of the claims, as amended, is fully supported by the specification as originally filed. As shown, for example, in FIG. 1 of the pending application, ions are implanted through the surface above both the first drain formation region (where the first drain region 5A is formed (*see* FIG. 4)) and the second drain formation region (where the second drain region 5B is formed (*see* FIG. 4)). Therefore, applicant respectfully requests withdrawal of the rejection of the claims under 35 U.S.C. § 112, par 1.

In a previous Office action (November 17, 2004), the Examiner recognized that claims 7-18 and 21-27 include allowable subject matter, but rejected claims 5 and 21 as anticipated by U.S. Patent No. 5,578,514 (Kwon et al.).

Applicant respectfully requests reconsideration of those rejections.

Claim 5, as amended, recites first, second and third drain regions having the same conductivity type. The first drain region has an impurity concentration lower than that of the second drain region. The third drain region is surrounded by the second drain region. As example of providing the third drain region is illustrated with respect to FIG. 4 in which the third drain region is identified by reference numeral 10.

The earlier Office action alleged that as a result of diffusion, the drift region 24 (FIG. 4 of Kwon et al.) corresponds to the first and second drain regions recited in pending claim 5, and the drain region 36 corresponds to the third drain region recited in pending claim 5.

However, even if the drift region 24 were considered to correspond to the first and second drain regions, the claimed method (as amended) is significantly different from the disclosure of the Kwon et al. patent. In particular, the drain region 36 (the alleged "third" drain region) is not surrounded by the second region. Now would a person of ordinary skill in the art have been motivated to modify the Kwon et al. patent so as to obtain that feature. Therefore, the Kwon et al. patent does disclose or suggest "providing a third drain region of the first conductive type disposed distally from the other end of said gate electrode and disposed in said second drain region *wherein the third drain region is surrounded by the second drain region,*" as recited in claim 5 as amended.

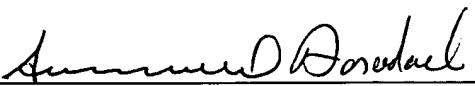
At least for those reasons, claim 5 (as amended), as well as dependent claim 21, should be allowed.

Applicant asks that all claims be examined in view of the amendment to the claims.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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